

S.I. No. 69 of 1997.

EUROPEAN COMMUNITIES (BANANAS) REGULATIONS, 1997.

I, IVAN YATES, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving full effect to Council Regulation (EEC) No. 404/93⁽¹⁾ of 13 February 1993 and to Commission Regulation (EC) No. 2898/95 of 15 December, 1995⁽²⁾, hereby make the following Regulations:

1. These Regulations may be cited as the European Communities (Bananas) Regulations, 1997, and shall come into operation on the 5th day of February, 1997.

2. In these Regulations—

"authorised officer" means a person appointed by the Minister under Regulation 4 to be an authorised officer under these Regulations;

"green bananas" means bananas falling within CN code ex 0803, excluding plantains, fig bananas and bananas intended for processing;

"the Minister" means the Minister for Agriculture, Food and Forestry;

"the Council Regulation" means Council Regulation EEC No. 404/93 of 13 February 1993⁽¹⁾

"the Commission Regulation" means Commission Regulation (EC) No. 2898/95 of 15 December 1995⁽²⁾

3. A person who contravenes paragraph 1 of Article 3 of the Council Regulation shall be guilty of an offence.

4. (1) The Minister may appoint in writing such and so many persons as he thinks fit to be authorised officers for the purposes of carrying out conformity checks under Article 6 of the Commission Regulation and for the purposes of these regulations.

⁽¹⁾O.J. No. 47/1, 25.2.1993.

⁽²⁾O.J. No. L 304/17, 16.12.1995.

(2) An authorised officer shall be furnished with a warrant of his appointment and when exercising any power to which the provisions of these regulations apply shall, if so required, produce the warrant to any person affected.

(3) An authorised officer may — on production of the officers authorisation if so required—

(a) at all reasonable times enter any premises in which he has reasonable grounds for believing that there are any books, documents or records relating to any business concerned with importing, exporting or selling, bananas,

(b) require any person found on the premises to produce to him any books, documents or records which are in the person's control, possession or procurement and which the officer has reasonable grounds for believing to be records, books or documents of the kind aforesaid and to give him such information as he may reasonably require in regard to any entries in any such records, books or documents, and

(c) inspect and copy or take extracts from any such records, books or documents.

(4) A person who fails to comply with a requirement under paragraph (3) (b) of this Regulation or who obstructs or interferes with an authorised officer when he is exercising a power conferred by this Regulation shall be guilty of an offence.

5. (1) An authorised officer may for the purposes of verifying compliance with quality standards for bananas as laid down in Commission Regulation (EC) No. 2257/94 of 16 September 1994⁽³⁾ at all reasonable times enter and inspect any premises in which he has reasonable grounds for believing that there is carried on the business of importing, exporting or preparing for sale, bananas and test and (where appropriate) take reasonable samples of any such bananas which he finds in the course of his inspection.

(2) An authorised officer may for the purposes of verifying compliance with quality standards for bananas as laid down in Commission Regulation (EC) No. 2257/94 of 16 September 1994⁽³⁾ at all reasonable times enter and inspect any vehicle in which he has reasonable grounds for believing that there are bananas and test and (where appropriate) take reasonable samples of any such bananas he finds in the course of his inspection.

⁽³⁾O.J. No. L 245/6, 20.9.1994.

(3) The test referred to in paragraph Nos (1) and (2) of this Regulation shall be carried out as laid down in Article 4 of the Commission Regulation.

(4) A person who obstructs or interferes with an authorised officer when he is exercising a power conferred by this Regulation shall be guilty of an offence.

6. A person who, with intent to deceive—

(a) tampers with bananas so as to procure that any sample of them taken under these Regulations does not correctly represent them, or

(b) tampers or interferes with any sample taken under these Regulations,

shall be guilty of an offence.

7. (1) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(2) Where an offence under these regulations is committed by a body corporate or by a person purporting to act on behalf of a body corporate or an unincorporated body of persons and is proved to have been so committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person being a director, manager, secretary, member of the committee of management or other controlling authority of any such body or being any other similar officer of any such body, that person shall also be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

(3) An offence under these Regulations may be prosecuted by the Minister.

⁽³⁾O.J. No. L 245/6, 20.9.1994.

GIVEN under my Official Seal, this 5th day of February, 1997.

IVAN YATES,

Minister for Agriculture, Food and Forestry.

EXPLANATORY NOTE.

These Regulations supplement the provisions in Commission Regulation (EC) No. 2257/94 and Commission Regulation (EC) No. 2898/95 relating to the application of quality standards for fresh green bananas, by providing the necessary powers for authorised officers and by prescribing penalties for offences.